

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

SAF-HOLLAND, INC., a Michigan corporation,  Plaintiff,  v.  HENDRICKSON USA, L.L.C. An Illinois corporation,  Defendant.	Civil Action No. _____  Hon. _____  COMPLAINT WITH JURY DEMAND
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**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, SAF-Holland, Inc., a Michigan corporation (hereinafter SAF-Holland), as and for its Complaint against Defendant, Hendrickson USA L.L.C., a Delaware limited liability company (hereinafter Hendrickson), hereby alleges as follows:

**NATURE OF ACTION**

1. This is an action in law and equity for patent infringement arising out of infringement of SAF-Holland's U.S. Patent No. 8,695,998 in violation of the patent laws of the United States, 35 U.S.C. §§ 271 et seq.

**THE PARTIES**

2. Plaintiff SAF-Holland, Inc. is a corporation of the state of Michigan and has a principal place of business at 467 Ottawa Ave., Holland, Michigan 49423.

3. Upon information and belief, Defendant Hendrickson USA L.L.C. is a corporation of Delaware and has a principal place of business at 500 Park Boulevard, Suite 1010, Itasca, Illinois 60143.

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a). This Court also has jurisdiction in this action pursuant to 28 U.S.C. § 1332.

5. This Court has jurisdiction over Hendrickson because Hendrickson resides in this district, transacts business in this district, and is subject to personal jurisdiction in this district, including under Michigan Comp. Laws § 600.711, § 600.715, and related law.

6. Venue is proper in this judicial district under 28 U.S.C. § 1391 (b) and (c) and § 1400.

### **BACKGROUND FACTS**

7. SAF-Holland is a leading global manufacturer of suspensions, fifth wheels, trailer supports, and other products which are sold worldwide.

8. SAF-Holland is an innovator of many significant advances in such equipment and is the owner, through almost 100 years of its business, of many patents.

9. SAF-Holland is the owner of U.S. Patent No. 8,695,998 duly and legally issued on April 15, 2014 (hereinafter the '998 Patent). A true copy of the '998 Patent is attached as Exhibit A.

10. The '998 Patent has claims which cover features of lift assemblies and vehicles incorporating lift assemblies. For example, the '998 Patent is marked in compliance with U.S.C. § 287, in connection with SAF-Holland's POSILIFT™ product.

11. Hendrickson has manufactured, used, imported, sold, and/or offered for sale in this judicial district, and elsewhere in the United States, an infringing lift assembly marketed as the SMARTLIFT™, that infringes at least claim 1 of the '998 Patent (See Exhibit B). In

addition, Hendrickson has contributed to and/or induced others to use its infringing lift assembly in the infringement of at least claim 1 of the '998 Patent. These acts of infringement are a violation of the United States patent laws, including, but not limited to, 35 U.S.C. § 271(a)-(c).

12. Hendrickson's aforesaid infringement has been and continues to be willful and deliberate and is ongoing.

13. SAF-Holland has in the past been damaged and continues to suffer irreparable injury as a result of Hendrickson's actions. Infringement of the '998 Patent by Hendrickson will continue unless and until enjoined by this Court.

#### **COUNT I: INFRINGEMENT OF THE '998 PATENT**

14. Plaintiff SAF-Holland realleges each and every allegation contained in paragraphs 1 through 13 as though fully set forth herein.

15. Hendrickson's aforementioned acts constitute willful infringement of SAF-Holland's '998 Patent in violation of 35 U.S.C. §§ 271 *et seq.*

#### **PRAYER FOR RELIEF**

Wherefore, SAF-Holland prays that this Court enter a judgment and order that:

- A. Hendrickson has infringed the '998 Patent;
- B. the infringement of the '998 Patents by Hendrickson is willful;
- C. Hendrickson and its officers, agents, representatives, employees, and all others in concert or participation with them, directly or indirectly, be preliminarily and permanently enjoined from infringing, inducing others to infringe, or contributing to the infringement of the '998 patent pursuant to 35 U.S.C. § 283;

D. SAF-Holland be awarded damages adequate to compensate for Hendrickson's infringement of the '998 patent, together with pre-judgment and post-judgment interest pursuant to 35 U.S.C. § 284;

E. said damages be trebled pursuant to 35 U.S.C. § 284 because such infringement has been willful and deliberate;

F. SAF-Holland be awarded its costs, including reasonable attorneys fees and expenses, in accordance with 35 U.S.C. § 285; and

G. SAF-Holland be awarded such other and further relief as this Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

SAF-Holland demands trial by jury on all issues in this action.

Respectfully submitted,

Dated: June 17, 2014

/Matthew J. Gipson/  
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